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02-09-04

Patent Docket P1150R2C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Avi J. Ashkenazi et al. Serial No.: 10/713,391 Filed: November 14, 2003 For: DNA 19355 Polypeptide, A Tumor Necrosis Factor Homolog	Group Art Unit: to be assigned Examiner: to be assigned Confirmation No: to be assigned **Customer No: 09157**

CERTIFICATE OF MAILING

Express Mail Number: **EV 351 931 975 US**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450".

February 5, 2004

Mona Beltran

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

1. Information Disclosure Statement;
2. Form PTO-1449 with 2 references;
3. Return postcard.

In the event any additional fees are due in connection with the filing of these documents, the Commissioner is authorized to charge such fees to our Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

Date: February 5, 2004

By: Diane L Marschang

Diane L. Marschang
Reg. No. 35,600
Telephone No. (650) 225-5416

#148905

Patent Docket P1150R2C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Avi J. Ashkenazi et al. Serial No.: 10/713,391 Filed: November 14, 2003 For: DNA 19355 Polypeptide, A Tumor Necrosis Factor Homolog	Group Art Unit: to be assigned Examiner: to be assigned Confirmation No: to be assigned CUSTOMER NO: 09157

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February 5, 2004

Mona Beltran

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

[X] **37 CFR §1.97(b)**

- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); **or**
- within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR§1.491, **or**
- before the mailing of the first Office action on the merits; **or**
- before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR §1.114.

[If either of boxes 37 CFR §1.97(c) or 37 CFR §1.97(d) is checked above, the following statement under 37 CFR §1.97(e) may need to be completed.]

[] **37 CFR §1.97(e)**Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

[] **37 CFR §1.704(d)** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and the communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement. Therefore, in accordance with the provisions of 37 CFR §1.704(d), the filing of this information disclosure statement will not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR §1.704.

[] The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of $180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patent(s) or publication(s) is set forth on the attached revised Form PTO-1449 (Modified).

A copy of item numbers 2 and 4 on PTO-1449 is supplied herewith.

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached PTO-1449 form are not supplied because they were previously cited by or submitted to the Office in a prior application Serial No. 10/080,455, filed February 22, 2002 and relied upon in this application for an earlier filing date under 35 USC §120.

A concise explanation of relevance of the items listed on PTO-1449 is:

[X] not given

[] given for each listed item

[] given for only non-English language listed item(s) [Required]

[] in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR §1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR §1.97(h), the filing of this information disclosure statement shall not

be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 for this Information Disclosure Statement, or credit overpayment to Deposit Account No. 07-0630. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

GENENTECH, INC.

Date: February 5, 2004

By: Diane L Marschang

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FORM PTO-1449

U.S. Dept. of Commerce
Patent and Trademark Office

Atty Docket No.	Serial No.
P1150R2C2	10/713,391
Applicant: Ashkenazi et al.	
Filing Date: 14 Nov 2003	Group: to be assigned

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	* 1	2002/0099198	25.07.02	Yu et al.			
	2	2002/0168729	14.11.02	Yu et al.			
	* 3	5,998,171	07.12.99	Yu et al.			
	4	6,521,742	18.02.03	Yu et al.			

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	* 5	307,247	15.03.89	EPO				
	* 6	417,563	20.03.91	EPO (ENGLISH ABSTRACT ATTACHED)				
	* 7	WO 97/01633	16.01.97	PCT				
	* 8	WO 98/06842	19.02.98	PCT				
	* 9	WO 98/07880	26.02.98	PCT				

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Examiner	Date Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	U.S. Dept. of Commerce	Atty Docket No.	Serial No.
	Patent and Trademark Office	P1150R2C2	10/713,391
LIST OF DISCLOSURES CITED BY APPLICANT		Applicant	
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	*111	Zheng et al., "Induction of Apoptosis in Mature T Cells by Tumor Necrosis Factor" Nature 377:348-351 (1995)

Examiner	Date Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.